

not state that the Commission will refrain from reporting alleged violations to the local prosecuting attorney with jurisdiction over a particular matter.

Finally, the Resolution is limited to “those provisions . . . that have been repealed, deleted, or effectively repealed by the passage of House Bill 4647.” It does not address other provisions, such as the definition of “political purposes” in W. Va. Code § 3-8-1a(25) (2008), that the Center for Individual Freedom (“Center”) has challenged and that are relied upon in the still-pending Complaint against it by Attorney General McGraw. *Compare* Compl. ¶¶ 15(a), 19 (Dkt. No. 1) (challenging, *inter alia*, the “supporting or opposing” language of the term “political purposes”) *with* Ex. A at 1 (citing the definition of “political purposes” in alleging that the Center’s ads were “political in nature” and subject to regulation).

In sum, the Resolution provides no basis for a claim of mootness, but merely confirms that an injunction protecting the Center from enforcement against its prior speech will not impair the interests of the state defendants.

July 1, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on July 1, 2010, I electronically filed the foregoing "RESPONSE OF THE CENTER FOR INDIVIDUAL FREEDOM TO THE STATE DEFENDANTS' MOTION TO FILE NEW EXHIBIT TO THEIR "MOTION" TO DISMISS AS MOOT" using the CM/ECF system, which will notify the following CM/ECF participants:

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